10/614,031

REMARKS

This amendment is being filed in response to the Office Action dated August 10, 2005, on even date with a Notice of Appeal and Appeal Brief.

Entry of these amendments is respectfully requested to overcome the objected to informalities in Claims 1 and 18. The amendments do not add new matter to the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Please recognize our Customer No. 41552

as our correspondence address.

John A. Hankins

Registration No. 32,029

4370 La Jolla Village Drive, Suite 700

San Diego, CA 92122

Phone: 858.535.9001 JAH:bsl

Facsimile: 858.597.1585

Date: October 7, 2005

SDO 35909-1.050432.0592